IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.14643 OF 2005

Between:

Boya Mukkanna S/o. Papanna
aged about 52 years, Occ: Cultivation,

R/o. Muppalakunta Brahma Samudram Mandal,

Anantapur District.

..... PETITIONER

AND

1) The Chief Commissioner of Land Administration, A.P.,

Hyderabad.

2) The Joint Collector, Anantapur, Anantapur District.

3) The Revenue Divisional Officer, Dharamavaram,
Anantapur District.

4) The Mandal Revenue Officer, Dharmavaram Mandalam,
Anantapur District.

5) Sannakka D/o late Pujari Narasimappa
R/o. Muppalakunta, Brahma Samudrasm Mandalam,

Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, to declare the impugned order of the 1st respondent, dated 07-05-2005, bearing CCLA's Ref. No.BCW/162/2004 rejecting stay petition filed in the appeal seeking to set aside the order of the 2nd respondent as arbitrary, illegal, unjust and violative of Articles 19 and 21 of the Constitution of India and consequently set aside the order of the 2nd respondent bearing No.D.Dis.E1/1792/93, dated 31-03-2003, till final orders are passed in the appeal pending before the 1st respondent.

Counsel for the Petitioner: Mr. Chilamkuri Hanumantha Rayudu

Counsel for the Respondents 1 to 4: G.P. FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Aggrieved by the inaction on the part of the 1st respondent – Chief Commissioner of Land Administration, A.P., Hyderabad, in disposing the appeal filed by the petitioner, dated 10-02-2005, and questioning the order of the 1st respondent, dated 07-05-2005, in rejecting the petition filed by the petitioner seeking stay of the proceedings of the 2nd respondent in Rc. No.1792 of 1993 (A6), dated 31-03-2003, pending the appeal, as illegal and arbitrary, this writ petition is filed.

It is the case of the petitioner that the father of the 5th respondent was assigned an extent of Acs.4-48 cents of land (for short 'said land') in Survey No.389-8 of Pillapalli village as per D.A.R. Dis.279/65, dated 12-04-1958. It is alleged that during the year 1991, when the Mandal Revenue Inspector inspected Pillapalli village, the original assignee of the said land was not in possession of the same, therefore the Government resumed the land and thereafter as the petitioner was in continuous possession of the said land and made representations to the 4th respondent to allot the same to him, the 4th respondent considering the same assigned the said land to him by

granting D-Form Patta and also Pattedar Pass Book in his favour by order, dated 22-12-2001. Against the said order, a revision was preferred by the original assignee of the said land before the 2nd respondent and the 2nd respondent allowed the same by the impugned order, dated 31-03-2003, by setting aside the resumption order of the Mandal Revenue Officer, dated 12-11-1991, and also declaring the order, dated 22-12-2001, in reassigning the land in favour of the petitioner, as null and void.

Against which the petitioner filed appeal before the 1st respondent and also sought for stay of the said order.

Though the appeal filed by the petitioner was admitted, stay was not granted pending the appeal. Learned counsel for the petitioner contends that the petitioner is in possession and enjoyment of the said land and if stay is not granted pending the appeal, it may cause irreparable loss to the petitioner.

In the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to dispose of the appeal filed by the petitioner, in accordance with law, by giving a reasonable opportunity of being heard to the effected parties, within a period of 8 weeks from the date of receipt of a copy of this order and till such time the respondents are directed to maintain status-quo.

The Writ Petition is accordingly disposed of without any order as to costs.

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ELIPE DHARMA RAO, J

Date:07-07-2005.

NOTE:

Furnish C.C. of the order by 08-07-2005.

(B/O)

PV

To

1) The Chief Commissioner of Land Administration, A.P.,

Hyderabad.

2) The Joint Collector, Anantapur, Anantapur District.

3) The Revenue Divisional Officer, Dharamavaram,
Anantapur District.

4) The Mandal Revenue Officer, Dharmavaram Mandalam,
Anantapur District.

5) Two C.Cs. to G.P. for Revenue, High Court of A.P.,

Hyderabad (O.U.T.)

6) Two C.D. copies.